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Claim 22, as amended herein, is former Claim 27 rewritten in independent form. Examination and consideration of former Claim 27 is provided in the final Office Action of June 21, 2002.

Goldhaber et al. describe a system for brokering the attention of consumers (see Column 4, lines 46-50). The system uses a database of digitally stored electronic demographic profiles of potential viewers (members), the databases are private, dynamic and interactive. The system is configured to protect member privacy, while at the same time maintaining personal information files that permit specialized targeting of ads (See Column 6, lines 30-35). Referring to Column 7, lines 2-5 of Goldhaber et al., it is indicated that an advertiser may pay for consumer names and addresses. Further, it is indicated at Column 12, line 45 to Column 13, line 13, that name, address, and telephone data is required from an individual (member) when generating a consumer database. Therefore, while Goldhaber et al. describe profile data (i.e. Gender, Age, Ethnicity) as being separate from personal data (i.e. name, address, and telephone), all are required and stored in the described database. To emphasize the point, attention is directed to Column 13, lines 28-30 where it states that the personal data, i.e. contact "information provided by the consumer is stored in the contact information block (122) of the database." Such entry and storage of contact information is not indicative of anonymous data sets, nor indicative of any system which has data sets which do not include names, addresses, and social security numbers of individual participants.

Independent Claim 22 recites a system for generating and controlling anonymous data sets via an electronic data communications network. The system includes "a control unit for coupling to the communications network," "a server coupled to said control unit and comprising a consumer generated data base for storing profile information relating to consumers, a marketer data base for storing information to be reviewed by consumers" and a processor which is programmed to "receive consumer generated data sets from consumers, said consumer generated data sets controlled by the consumers, each consumer generated data set including a set of individual characteristics, though refusing a name, an address, and a social security number entry

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for the consumer, said processor further programmed to download said consumer generated data sets into said consumer generated data base," "receive information from marketers, said information controlled by said marketers, said processor further programmed to download said marketer generated data into said marketer data base," "said processor further programmed to compare said marketer generated data to each said consumer generated data set and if said marketer generated data is identified as matching one or more said individual characteristics of said consumer generated data sets, designating said marketer generated data for being communicated to the consumer."

Goldhaber et al. do not teach nor suggest a system which is programmed to build data sets as described in Claim 22. Rather, Goldhaber et al. describe a system which includes both personal data (contact information) and profile data, albeit stored in different databases. In addition, Applicant respectfully suggests that Goldhaber et al. teach away from the methods recited in Claim 22 since Goldhaber et al. explains that a user is required to enter contact information (i.e. names, addresses, etc.) and that an advertiser may pay for consumer names and addresses. Whereas in pending Claim 22, it is explicitly stated that the consumer generated data sets do not include names, addresses, or social security numbers, since the processor is programmed to refuse such entries.

The final Office Action of June 21, 2002 also rejects Claim 27 as being obvious in view of Goldhaber et al. As amended Claim 22 is former Claim 27 rewritten in independent form, Applicant respectfully submits the following in response to the section 103 rejection of former Claim 27.

Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Goldhaber et al. to produce the claimed invention. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and the Applicant given an opportunity to challenge the correctness of the assertion or the repute of

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the cited reference. Applicant has not been provided with the citation to any reference supporting the assertions made in the rejection. Further, and to the extent understood, Goldhaber et al. do not describe or suggest the claimed combination, provide any motivation towards the claimed combination, and in fact teach away from the presently pending claims, since Goldhaber et al. require entry of contact information. Therefore Applicant respectfully submits that the presently pending claims are patentably distinguishable from the cited reference.

While Goldhaber et al. store the personal data in locations separate from profile information, Claim 22 indicates that the user is not allowed to provide personal data (contact information), since, as described above, the processor is programmed to refuse such information. For the reasons set forth above, Claim 22 is submitted to be patentable over Goldhaber et al.

Claims 23-26 and 28 depend, directly or indirectly, from independent Claim 22. When the recitations of Claims 23-26 and 28 are considered in combination with the recitations of Claim 22, Applicant submits that dependent Claims 23-26 and 28 likewise are patentable over Goldhaber et al.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 22-26, and 28 be withdrawn.

The rejection of Claims 1-17 and 19-21 under 35 U.S.C. § 103 as being unpatentable over Goldhaber et al. in view of Dedrick (U.S. Patent No. 5,717,923) is respectfully traversed.

As described above, Goldhaber et al. describe an attention brokering system where participant consumers are required to enter personal contact information as part of a demographic profile. Referring to Column 12, line 46, through Column 13, line 35, it is described how the system of Goldhaber et al. attempts to keep the required (personal data) contact information confidential. The contact information can be released to advertisers on a case-by-case consent basis, but the contact information is certainly a required part of the profile

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that is stored in the system of Goldhaber et al., and therefore the consumer profiles as described in Goldhaber et al. cannot be considered to be anonymous.

Dedrick describes a network (10) which includes a plurality of client systems (12) coupled to a metering server (14) within a local area network (LAN) (16). See Column 2, lines 62-65. Each client system (12) is provided with an interface, such as a graphic user interface (GUI), that allows the end user to use system (10). The GUI contains fields that receive or correspond to inputs entered by the end user, for example, the fields may include the user's name and possibly a password. See Column 3, lines 37-41. The fields also include user profile data including a mailing address and a phone number. The end user initially enters the requested data and the non-identifying information is transferred to the metering server (14). Column 3, lines 51-58.

Each client system (12) includes a session manager (29), a client interface (23), a client activity monitor (24), a content adapter (25), a statistic compilation process (26,) and a personal profile database (27). Column 4, line 66 to Column 5, line 2. The personal profile database (27) maintains the user profile data for the end user(s) of client system (12). In addition, personal profile database (27) may also include additional information such as credit card numbers, social security numbers, etc. for each individual end user... Column 5, line 50-59.

Statistic compilation process (26) compiles the user profile data contained in personal profile database (27) and transfers the compiled data to metering server (14). Statistic compilation process (26) compiles all of the user profile data in personal profile database (27) except for information which identifies a particular individual. For example, information such as the end user's name, social security number, address and credit card numbers are not included in the compilation. See Column 7, lines 22-32. However, such information is required to be input by a user and is stored within system (10). Such information is stored as part of personal profile database (27).

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Claim 1 recites a method for generating an anonymous data profile of an individual, where the method includes "administering to the individual a password," "utilizing the password to access a database," "refusing to accept contact information from the individual," "entering profile information about the individual in the database" and "storing the profile information from the individual in the database."

Goldhaber et al. in view of Dedrick do not teach nor suggest refusing to accept contact information from the individual. Rather, Goldhaber et al. describe a system which requires both personal data (contact information) and profile data to be entered by a user. In addition, Goldhaber et al. describe that the personal data can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. As Goldhaber et al. only teach separation of contact information from personal profile data, Goldhaber et al. therefore does not suggest refusing to accept contact information from an individual as being obvious.

In addition, Dedrick describes a system where a database includes contact information, for example, name, mailing address, telephone, social security numbers, and credit card numbers. While, Dedrick packages profile data as to protect who receives the contact information, nonetheless such contact information is available, and is required, within the system of Dedrick. Further, such contact information is made available for purchases made as a result of the functionality of the system of Dedrick. Therefore, Goldhaber et al. in view of Dedrick do not describe nor suggest any system or method which includes refusing to accept contact information from an individual. Rather, Goldhaber et al. in view of Dedrick only suggest methods for separating contact information from personal profile data, until such personal information is requested, consent given for supplying such contact information, and payments for the contact information is provided.

In addition, Applicant respectfully suggests that Goldhaber et al. in view of Dedrick teach away from the methods recited in Claim 1 since Goldhaber et al. recite that an advertiser may

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pay for consumer names and addresses and Dedrick states that name, mailing address, telephone, social security numbers, and credit card numbers are part of the database. Whereas in pending Claim 1, it is recited that that individual contact information is refused. Therefore, consumer generated data sets do not include names, addresses, or social security numbers.

Therefore, while both Goldhaber et al. and Dedrick attempt to separate the personal data from profile information, Claim 1 indicates that the user is not allowed to provide any personal data (contact information), as one of the limitations of Claim 1 is "refusing to accept contact information from the individual". For the reasons set forth above, Claim 1 is submitted to be patentable over Goldhaber et al. in view of Dedrick.

Claims 2-7 depend from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-7 likewise are patentable over Goldhaber et al. in view of Dedrick.

Independent Claim 8 recites a method for providing advertising feedback which includes the steps of "administering to each individual a password," "utilizing the password to access a database," "refusing to accept contact information from the individual," "entering profile information about the individual in the database," "storing the entered profile information in the database," "presenting at least one of the individuals with a set of data" and "receiving feedback from the at least one individual regarding the set of data."

Goldhaber et al. do not teach nor suggest refusing to accept contact information from the individual. Rather, Goldhaber et al. describe a system which includes, and requires, both personal data (contact information) and profile data. In addition, Goldhaber et al. describe that the personal data can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. Dedrick describes a system where a database includes contact information, including name, mailing address, telephone, social security numbers, and credit card numbers. While, Dedrick packages profile data to protect who receives the contact information, nonetheless such contact information is available

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within the system of Dedrick. Further, such contact information is made available for purchases made as a result of the functionality of the system described in Dedrick. Therefore, Goldhaber et al. in view of Dedrick do not describe nor suggest any system or method which includes refusing to accept contact information from an individual.

Goldhaber et al. in view of Dedrick do not teach nor suggest refusing to accept contact information from the individual. Rather, Goldhaber et al. describe a system which requires both personal data (contact information) and profile data. In addition, Goldhaber et al. describe that the personal data can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. As Goldhaber et al. only teach separation of contact information from personal profile data, Goldhaber et al. therefore certainly does not suggest refusing to accept contact information from an individual as being obvious.

Applicant respectfully suggests that Goldhaber et al. in view of Dedrick teach away from the methods recited in Claim 8 since Goldhaber et al. recite that an advertiser may pay for consumer names and addresses and Dedrick states that name, mailing address, telephone, social security numbers, and credit card numbers are part of the database. Certainly such statements support the contention that contact information is required by both Goldhaber et al. and Dedrick. Whereas in pending Claim 8, it is explicitly stated that the consumer generated data sets do not include names, addresses, or social security numbers.

Therefore, while both Goldhaber et al. and Dedrick attempt to separate the personal data from profile information, the pending Claims indicate that the user is not allowed to provide any personal data (contact information), as one of the limitations of Claim 8 is "refusing to accept contact information from the individual". For the reasons set forth above, Claim 8 is submitted to be patentable over Goldhaber et al. in view of Dedrick.

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Claims 9-15 depend from independent Claim 8. When the recitations of Claims 9-15 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claims 9-15 likewise are patentable over Goldhaber et al. in view of Dedrick.

Claim 16 recites an apparatus for conveying and storing information relating to anonymous data profiles. The apparatus includes "a first data repository," "a first computer linked to said first data repository, said first computer configured to communicate with said first data repository via a password and provide a first set of information about an individual to said first data repository, the first set of information lacking information relating to a name, an address, a telephone number, and a social security number of the individual," "a processor programmed to communicate with said first data repository and said first computer," "a second data repository" and "a second set of computers linked to said second data repository, said second set of computers configured to provide a plurality of second sets of information to said second data repository, said first data repository separate from said second data repository, said processor further programmed to communicate with said second data repository and said second set of computers."

Goldhaber et al. do not teach nor suggest an apparatus which includes a first and second data repository which lacks information relating to a name, and address, a telephone number, and a social security number for an individual. Further, Goldhaber et al. do not teach nor suggest keeping the first data repository separate from the second data repository. Rather, Goldhaber et al. describe a system which includes, and requires, both personal data (contact information) and profile data. In addition, Goldhaber et al. describe that personal data (i.e. name, address, telephone) can be obtained by outside entities, should the member agree to a request, the request accompanied by a purchase price offer for the personal data. Dedrick describes a system where a database includes contact information, for example, name, mailing address, telephone, social security numbers, and credit card numbers. While, both Goldhaber et al. and Dedrick package profile data in such a way as to protect who receives the contact information, nonetheless such contact information is available within the systems of both Goldhaber et al. and Dedrick.

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Further, such contact information is made available for purchases made as a result of the functionality of the system of Dedrick. Therefore, Goldhaber et al. in view of Dedrick do not describe nor suggest any system or method which includes refusing to accept contact information from an individual.

Applicant respectfully suggests that Goldhaber et al. in view of Dedrick teach away from the apparatus recited in Claim 16 since Goldhaber et al. recite that an advertiser may pay for consumer names and addresses and Dedrick states that name, mailing address, telephone, social security numbers, and credit card numbers are part of the database. Whereas in pending Claim 16, it is recited that information relating to names, addresses, telephone numbers, or social security numbers is lacking.

Therefore, while both Goldhaber et al. and Dedrick attempt to separate personal data from profile information, the pending Claims indicate that the user is not directed to provide any personal data (contact information), and in fact is not allowed to provide any such contact information.

For the reasons set forth above, Claim 16 is submitted to be patentable over Goldhaber et al. in view of Dedrick.

Claims 17 and 19-21 depend from independent Claim 16. When the recitations of Claims 17 and 19-21 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17 and 19-21 likewise are patentable over Goldhaber et al. in view of Dedrick.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-17 and 19-21 be withdrawn.

The rejection of Claim 27 under 35 U.S.C. § 103 as being unpatentable over Goldhaber et al. is respectfully traversed.

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Claim 27 is herein cancelled. However, independent Claim 22 is amended herein to include the limitations of former Claim 27. Reasons why amended Claim 22 is not obvious in light of Goldhaber et al. are given above with respect to Claim 22.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claim 27 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,


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SUBMISSION OF MARKED UP CLAIMS

Hon. Commissioner for Patents
Washington, D.C. 20231

In furtherance of the amendment in response to the Office Action dated June 21, 2002, and made final, submitted separately herewith, Applicant hereby submits marked up claims indicating the amendments made therein.

IN THE CLAIMS

Please cancel Claim 27.

22. (Once amended) A system for generating and controlling anonymous data sets via an electronic data communications network, said system comprising:

a control unit for coupling to the communications network;

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a server coupled to said control unit and comprising a consumer generated data base for storing information relating to consumers, a marketer data base for storing information to be reviewed by consumers, and a processor programmed to:

receive consumer generated data sets from consumers, said consumer generated data sets controlled by the consumers, each consumer generated data set including a set of individual characteristics, though refusing a name, an address, and a social security number entry for the consumer, said processor further programmed to download said consumer generated data sets into said consumer generated data base;

receive information from marketers, said information controlled by said marketers, said processor further programmed to download said marketer generated data into said marketer data base;

said processor further programmed to compare said marketer generated data to each said consumer generated data set and if said marketer generated data is identified as matching one or more said individual characteristics of said consumer generated data sets, designating said marketer generated data for being communicated to the consumer.

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